IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, NAGPUR

Writ Petition No.4346 of 2007

(Shri Chandrahas Wasudeorao Dhote v. The State of Mah. and others)

-=-=-=-=-=-=-=-=-=-=-=-=-=-=-=-=-=-=-=-=-=-=-=-=-=-=-=-=-=-=-=-=-=-=-=--

Office Notes, Memoranda of Coram, appearances, Court's orders or directions : Court's or Judge's orders and Registrar's orders.

-=-=-=-=-=-=-=-=-=-=-=-=-=-=-=-=-=-=-=-=-=-=-=-=-=-=-=-=-=-=-=-=-=-=-=-

Shri S.W. Sambre, Advocate for Petitioner.
Smt. B.H. Dangre, Additional Government Pleader for R- 1 to 3.

***CORAM*** : A.H. Joshi & R.C. Chavan, JJ.
**DATE** : 27th September, 2007

1. Rule. Smt. B.H. Dangre, learned Additional Government Pleader, waives service for respondents No.1 to 3. Service on respondents No.4 and 5 is dispensed with. Rule is made returnable forthwith. Heard by consent.

2. In view of the judgment delivered by us in Writ Petition No. 4345 of 2007 today, we make the rule absolute in terms of prayer clause (ii) and hold that the rejection on the ground of failure to submit the acknowledgment “before the date” is bad when the petitioner had submitted acknowledgment before filing nomination, and that the petitioner is entitled to participate in the process of election, if otherwise eligible.

3. The parties shall bear own costs.

4. The learned Additional Government Pleader to communicate

this order to the respondents.

JUDGE JUDGE

pdl